

REMARKS

Claims 1-12, 14-16, 22, and 24 are pending in the subject application.

Applicant has amended claims 1, 22, and 24. The changes to the claims made herein do not introduce any new matter.

Rejections Under 35 U.S.C. § 103

Applicant respectfully requests reconsideration of the rejection of claims 1-3, 5, 6, 10-12, 14-16, 22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Sano* (US 5,739,924) in view of *Matsuura* (US 6,493,468 B1). As will be explained in more detail below, the combination of the *Sano* and *Matsuura* references would not have rendered the subject matter defined in independent claims 1, 22, and 24, as amended herein, obvious to one having ordinary skill in the art.

Applicant has amended each of independent claims 1, 22, and 24 to clarify the “target area” specified in these claims. In particular, each of claims 1, 22, and 24 has been amended to specify that the target area of processing targeted for the image quality adjustment processing is a portion of the entire image that includes a first type area *formed by maximum brightness pixels continuing in the image, the maximum brightness pixels having maximum possible brightness value*. Support for the changes to claims 1, 22, and 24 can be found in Applicant’s specification at, for example, Paragraphs [0114] to [0118] and Figure 18. As such, these changes do not introduce any new matter.

In the Final Office Action, the Examiner acknowledges that the *Sano* reference does not disclose the claimed “target area” feature (see the Final Office Action at page 4), but asserts that this feature is shown in the *Matsuura* reference (see the Final Office Action at pages 2-3 and also at page 4). The *Matsuura* reference does not disclose or suggest the specific “target area” feature specified in present claims 1, 22, and 24 (in particular *Matsuura*

does not disclose or suggest “the target area including a first type area formed by maximum brightness pixels continuing in the image”).

Thus, even if the *Sano* and *Matsuura* references were to be combined in the manner proposed by the Examiner, this combination would not have resulted in a method, device, or computer program product having each and every feature of independent claims 1, 22, and 24, as amended herein. As such, the combination of *Sano* in view of *Matsuura* would not have rendered the subject matter defined in present claims 1, 22, and 24 obvious to one having ordinary skill in the art.

Accordingly, independent claims 1, 22, and 24, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Sano* in view of *Matsuura*. Claims 2, 3, 5, 6, 10-12, and 14-16, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Sano* in view of *Matsuura* for at least the same reasons set forth above regarding claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 4, 7, and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Sano* in view of *Matsuura* and further in view of *Sosa et al.* (“*Sosa*”) (US 5,016,039). Each of claims 4, 7, and 9 ultimately depends from independent claim 1. The *Sosa* reference does not cure the above-discussed deficiencies of the combination of the *Sano* and *Matsuura* references relative to the subject matter defined in present claim 1. Accordingly, claims 4, 7, and 9 are patentable under 35 U.S.C. § 103(a) over *Sano* in view of *Matsuura* and *Sosa* for at least the reason that each of these claims ultimately depends from claim 1.

Applicant respectfully requests reconsideration of the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Sano* in view of *Matsuura* and further in view of *Tereshita* (US 7,359,571 B2). Claim 8 ultimately depends from independent claim 1. The *Tereshita* reference does not cure the above-discussed deficiencies of the combination of the

Sano and *Matsuura* references relative to the subject matter defined in present claim 1.

Accordingly, claim 8 is patentable under 35 U.S.C. § 103(a) over *Sano* in view of *Matsuura* and *Tereshita* for at least the reason that this claim ultimately depends from claim 1.

Entry of Claim Amendments

Applicant respectfully requests that the amendments made herein be entered and considered. The amendments have been made to clarify the claimed subject matter relative to the Examiner's characterization of the *Matsuura* reference, and are believed to place the subject application in condition for allowance. The amendments do not raise any new issues that require further consideration or search, and could not have presented earlier because the Examiner's characterization of the *Matsuura* reference relative to the claimed subject matter was presented in the Final Office Action. As such, the amendments made herein are in compliance with 37 C.F.R. § 1.116(b) and should be entered.

Conclusion

In view of the foregoing, Applicant respectfully requests reexamination and reconsideration of claims 1-12, 14-16, 22, and 24, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP043).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

/Peter B. Martine/

Peter B. Martine
Registration No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer No. 25920